

**MINUTES OF THE UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA**

North Star Terminal & Stevedore Company and Shoreside Petroleum and Metco, Inc.
v.
*Nugget Construction, Inc. Spencer Rock Products, Inc., United States Fidelity and Guaranty
Company and Robert Lapore*

Case No. 3:98-cv-0009 TMB

By: THE HONORABLE TIMOTHY M. BURGESS

PROCEEDINGS: ORDER FROM CHAMBERS

On July 23, 2007, Mr. Herbert Viergutz left a telephone message asking whether, due to his unavailability, another attorney could attend the Final Pretrial Conference on his behalf.

This case has a very long history. It began in 1998 and is now scheduled for trial in August, 2007. There are a number of outstanding matters to be resolved before trial begins. Topics for discussion at the final pretrial conference include witnesses, exhibits and motions, many of which are in dispute. How the jury will be selected and the cases presented are also matters for discussion at that conference. The parties long ago indicated that trial of this matter will not exceed two weeks, so that is how long they will have to complete this case.

Whether any substitute counsel, however capable, will have sufficient knowledge and understanding of the intricacies of this case is a decision for Mr. Viergutz. However, substitute counsel will be expected to be intimately familiar with the facts and history of this litigation as well as all outstanding issues that remain to be resolved before trial. Substitute counsel will also need to be prepared to make decisions and commitments that will be binding upon Mr. Viergutz and his client.

Entered at the direction of the Honorable Timothy M. Burgess, United States District Judge.

DATE: July 24, 2007